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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
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Item 5 of the provisional agenda

REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Report of the Latin American and Caribbean regional seminar of experts on economic, social and legal measures to combat racism with particular reference to vulnerable groups

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Preparatory Committee the report of the Latin American and Caribbean regional seminar of experts on economic, social and legal measures to combat racism with particular reference to vulnerable groups, held in Santiago de Chile from 25 to 27 October 2000.

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Annex

REPORT OF THE LATIN AMERICAN AND CARIBBEAN REGIONAL SEMINAR OF EXPERTS ON ECONOMIC, SOCIAL AND LEGAL MEASURES TO COMBAT RACISM WITH PARTICULAR REFERENCE TO VULNERABLE GROUPS

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I. INTRODUCTION

A. Organization of the seminar

1. In resolution 2000/14, the Commission on Human rights requested that "the regional preparatory processes identify trends, priorities and obstacles at the national and regional levels, to formulate specific recommendations for the action to be carried out in the future to combat racism, racial discrimination, xenophobia and related intolerance and to submit to the Preparatory Committee, by its 2001 session at the latest, the conclusions of these regional preparatory processes."

2. In accordance with the above, the Latin American and Caribbean regional expert seminar entitled, "Economic, social and legal measures to combat racism with particular reference to vulnerable groups", took place from 25 to 27 October 2000 at the facilities of the Regional Economic Commission for Latin America and the Caribbean (ECLAC) in Santiago, Chile. The seminar was the fifth and final regional expert seminar in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in Durban, South Africa, in 2001. Following the presentation of background papers by 11 of the 12 experts and a discussion of the themes of the seminar by all of the participants, the experts agreed upon a set of conclusions and recommendations which are set out in this report.

B. Participation

3. The experts who participated in the seminar, as well as the States Members of the United Nations and the intergovernmental and non-governmental organizations that were represented as observers, are listed in appendix I to the present report.

C. Opening of the seminar and election of the Chairperson-Rapporteur

4. The seminar was opened by the former President of Chile, Mr. Patricio Aylwin. In his opening statement, Mr. Aylwin noted that one of the principal purposes of the expert seminar was to develop recommendations to be considered by the intergovernmental Regional Conference for the Americas to be held in Santiago from 5 to 7 December 2000. He noted that in articles 1 and 2 of the Universal Declaration of Human Rights were enshrined the principles of the human dignity of all persons and non-discrimination on the basis of race and colour. Nevertheless, discrimination on the basis of race, colour and culture existed more or less everywhere, and this posed a threat to peace. He expressed the view that the principal problem of racial discrimination in Latin America and the Caribbean affected indigenous peoples and Afro-Latino Americans. He noted that the region had the sad distinction of having the largest inequality of income distribution of any region of the world and that this was an important factor in aggravating racial discrimination. He noted that although the constitutions of Latin American States recognize the equality of all citizens, the interests of indigenous peoples were frequently ignored and the tendency had been to try to follow a policy of assimilation. He concluded that only in recent years had there been an acknowledgement by States of the problems of racism and the multicultural nature of the region and that this had been a positive step forward.

5. The Deputy Executive Secretary of ECLAC then spoke on behalf of the Executive Secretary of ECLAC. He welcomed the participants to the expert seminar and said that it was important to recognize that civil and political rights are closely associated with economic, social and cultural rights. He advocated focusing economic development on the reduction of inequality, solidarity, fairness and the principle of non-discrimination. He added that the problems of poverty, marginalization and exclusion were structural problems which particularly affected indigenous peoples and racial minorities.

6. The Deputy High Commissioner for Human Rights delivered the message of the High Commissioner for Human Rights and Secretary-General of the World Conference to the expert seminar. The High Commissioner's message recalled that the Latin American and Caribbean region was one of great racial and cultural diversity. The region had experienced a history of colonial conquest, the importation of slaves and bonded labour, and there was a need to acknowledge the legacy of inequality that had resulted from these events, particularly for indigenous peoples and Afro-Latin Americans. She urged States to commit themselves to achieving a better integration of these groups into society.

7. Mr. José Bengoa, member of the Sub-Commission on the Promotion and Protection of Human Rights, was chosen Chairperson-Rapporteur for the expert seminar by acclamation.

D. Adoption of the agenda

8. The provisional agenda for the seminar was adopted without a vote (see appendix II).

E. Documentation

9. A list of the documentation of the seminar is attached (see appendix III).

II. TOPIC I. GENERAL TRENDS, PRIORITIES AND OBSTACLES IN COMBATING RACISM AND RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE IN LATIN AMERICA AND THE CARIBBEAN

10. Mr. Mario Jorge Yutzis presented a paper entitled "General trends, priorities and obstacles in combating racism, racial discrimination, xenophobia and related intolerance" (HR/SANT/SEM.5/2000/BP.2). In his presentation, Mr. Yutzis introduced the subject by focusing on the social and cultural history of Latin America. He argued that colonialism had led to the subjugation of populations in Latin America with the result that today there was a legacy of large structural inequality and cultural imbalance. He added that these large population groups in Latin America suffered from racial discrimination and marginalization as a result of structural inequalities which continued to persist. He argued that true democracy was needed so that all people in society could participate on an equal basis. He quoted former President Nelson Mandela of South Africa, who said, "If people are hungry and there is no food for them; if they are sick and there are no medicines for them; if there is no work for them; if ignorance persists; and if the fundamental rights of all individuals are not respected; then democracy is an empty shell, even if the citizens vote and have a parliament." He added that, in

his view, the principal obstacle in the struggle against racism in the region was the persistent domination by one group and the marginalization, exploitation and non-recognition of extensive sectors of society. This poorest strata of people often coincided to a considerable degree with those who are Afro-Latin American or indigenous.

11. Mr. Yutzis observed that there was currently a grave problem of social exclusion and what he termed a crisis in "social space". He called on States in the region to reconsider their policies and to intervene more actively in their economies to stimulate demand and equal opportunity and to combat unemployment. He added that the implementation of new measures was essential for the most vulnerable groups, including in particular indigenous peoples, Afro-Latin Americans, persons of mixed race and migrants.

12. Mr. Yutzis argued that what was needed was a new "social contract". He called for a further democratization of the process by which policy decisions were made in order to achieve a more efficient and representative State. This would involve the genuine recognition of all groups with special characteristics, particularly those in situations of marginalization and poverty, and positive measures in the social, political and legal fields in order to ensure their participation in the political structures of the State.

13. He also underlined that the official recognition of the languages or dialects spoken by ethnic groups was a central problem that needed to be addressed. This was particularly important in the legal and educational fields, and it was important politically to create zones where those languages could be used on an equal basis with the dominant language of the State.

14. Mr. Yutzis added that a focus on the integration of children and adolescents was very important and urged that teaching of the history of States and the region be undertaken in more imaginative and innovative ways, especially with a view to noting the role and contribution of indigenous peoples and other vulnerable groups.

15. Following the presentation of Mr. Yutzis, Mr. Martin Hopenhayn presented a paper on the same topic entitled "Ethnic and racial discrimination and xenophobia in Latin America and the Caribbean (HR/SANT/SEM.5/2000/BP.2/2). He stated that indigenous peoples and Afro-Latin Americans showed the worst economic and social indicators and were, to a large degree, the poorest people in Latin America and the Caribbean. He explained that this was the result of colonialism and the subjugation of these peoples. The loss of lands of indigenous peoples, migration to the cities and racial discrimination in access to education, employment and participation in the political structures of government had all contributed to this poverty. He argued that States in the region had originally strived to create a concept of a single culture and a single nation, with a national homogenous identity. A dichotomy of terminology used at the time, which labelled the dominant group "civilized" and others "barbarians", left little room for tolerance or a spirit of multiculturalism. Those who were different from the dominant group frequently were victims of racist treatment because the very fact that they were different was viewed as threatening the concept of a monolithic State. This led to a policy of acculturization focusing on the European nation-State ideology, the rules of a European-like workplace and the use of a European language by all persons. This policy had the effect of largely denying the value of the culture and identity of non-European groups, without their being able, for reasons of

poverty and racial discrimination, to have meaningful access to the new culture being promoted by the dominant group. In the process, non-white groups were largely left behind in a State that was neither tolerant nor multicultural.

16. In order to overcome inequality of wealth and have equal access to education, employment, health care, the legal system and political structures, positive measures were needed to assist racial and ethnic groups. Mr. Hopenhayn also highlighted the need for bilingual education and access to land, technology and communications. A positive aspect of globalization was that it had the effect of opening borders, with the consequence that differences among peoples were recognized and appreciated.

17. He also was of the view that xenophobia had been transmitted from generation to generation and that States had a large responsibility to build attitudes of tolerance, respect and acceptance. He concluded by saying that it would be a strategic challenge to change the attitudes of people concerning racial prejudice.

18. In the discussion that followed, many participants mentioned the close association between extreme poverty and racial discrimination. The representative of Costa Rica said that exclusion of minorities was reinforced by policies that tended to ignore their existence and by the inability of minorities to secure access to and participation in institutions in the public and private sectors. In many cases, statistics on indigenous peoples and Afro-Latin Americans either did not exist or were inadequate. The representative of Costa Rica urged that concrete actions be taken to ensure adequate levels of nutrition and better access to health care, education and employment.

19. The representative of Education International stated that there were many factors that did not favour the integration of racial minorities and that protection was sometimes only on paper and not applied in practice. He argued that racial minorities were frequently viewed only as a source of inexpensive labour.

20. The representative of Baha'i International Community stated that racism was manifested in many ways and that, according to Mr. Hopenhayn's paper, even if one took education into account, racial minorities had lower incomes. The representative suggested that moral factors also influenced racial discrimination. The representative of Brazil also said that a better understanding of human nature was necessary in order to fight racist attitudes and prejudice. Mr. Yutzis added his support to the view that the problem of racism also went to the heart of the human condition, but added that it was also a cultural, economic and political problem.

21. Mr. Manuel Rodriguez Cuadros, an expert, said he was of the view that there was an element of racism which is independent of economic status, although he added that the majority of the extremely poor were non-white. He noted, however, that even economic success did not ensure social acceptance, as racial discrimination was practised, for example, in access to private schools and clubs. He said that it was necessary for both the State and civil society to recognize the existence of racial discrimination, to recognize multiculturalism, and to address inequality of wealth by granting more political power to the poor, who were disproportionately non-white.

22. The representative of the International Human Rights Law Group said that racial discrimination was covered up in the region and that some States had reported to the Committee on the Elimination of Racial Discrimination (CERD) that racial discrimination did not exist in their countries. This was an important obstacle to overcome if racial discrimination was to be really addressed. The representative also said the idea that everyone was of mixed race was also used to obviate the need to take measures to assist indigenous peoples and Afro-Latin Americans.

23. The representative of the Organization of Africans in America said that in order to truly understand the conditions of the Afro-Latin Americans, grass-roots organizations who had experienced racial discrimination should be consulted. A representative of Escritório Nacional Zumbi do Palmares added that the real problem was not of laws, but of their effective application. Those who experienced multiple discrimination on the basis of colour, gender and poverty were particularly vulnerable.

24. The representative of the Inter-American Development Bank recommended that in census and household surveys, statistics should measure with basic social and economic indicators the situation of indigenous peoples and Afro-Latin Americans in the population. Such indicators would give a better idea of the poverty levels of these groups. He also suggested that civil society, including NGOs, should be better integrated into projects; that additional investment was needed to educate indigenous and Afro-Latin women who had high rates of illiteracy; and that programmes against violence and victimization of indigenous peoples and Afro-Latin Americans needed to be undertaken.

III. TOPIC II. INDIGENOUS PEOPLES

25. Ms. María Magdalena Gómez Rivera presented a paper entitled "Indigenous populations and the protection of civil and political rights: equal treatment and full participation in the Government, access to the courts, access to private establishments open to the public and full legal protection" (HR/SANT/SEM.5/2000/BP.3). In her introduction, Ms. Gómez noted that historically racism had been practised in Mexico through literacy requirements and through attempts to destroy indigenous culture and replace it with the culture of the conquerors. She argued that indigenous peoples had been effectively excluded from political power - not legally but through the very structure of the State which emphasized individual rights and limited access to education and information. In her view, effective recognition of indigenous peoples and their collective rights could not take place without reform of the State. Some feared that recognizing the collective rights of indigenous peoples, and providing a certain measure of autonomy with respect to land and the administration of justice, would threaten State sovereignty. She argued that autonomy could be granted within the framework of the constitution of a State without diminishing sovereignty. She noted that in proposals for reforms in Mexico there had not been sufficient account taken of cultural factors.

26. Mr. Diego Alfonso Iturralde Guerrero then presented a paper entitled "Indigenous populations and the protection of economic, social and cultural rights: access to education, housing, health care, employment; the special problem of land rights, protection of cultural

identity and traditions" (HR/SANT/SEM.5/2000/BP.4). In his introduction, Mr. Iturralde noted that racial discrimination could be substantially hidden through denial. Nevertheless, he observed that there had been a re-emergence of the deep-rooted attachment to indigenous peoples' culture and identity. He concluded that the decentralization of political power in a number of States had changed the dynamic of the situation, with the result that indigenous peoples had been elected as representatives in local elections. However, he noted that the economic strategy for growth in the region largely relied on a type of social Darwinism, with little concern for its racial and ethnic implications. This economic model had resulted in substantial social and economic inequality. Indigenous peoples needed to have a certain measure of autonomy, full protection of the law, access to land and multilingual and multicultural education. He also called for the restoration and widening of democracy, and the need for indigenous peoples to establish their own political structures to pursue their own political and economic rights. He also noted that the political and economic rights of indigenous peoples were interdependent. He advocated more intensive monitoring of international standards, including information on which States had adopted these standards and which had adopted implementing legislation. He concluded by saying that racism was a social problem rather than a legal or institutional issue. It was necessary to find a positive approach that might not combat racism per se, but would combine development with respect for diversity and identity.

27. Mr. Atencio López Martínez, an expert, said that States needed to change their approach to education and culture for indigenous peoples, and that indigenous peoples should be more directly involved in these issues.

28. Mr. Kenneth Osborne Rattray, an expert, commented that economic, social and cultural rights needed to be legally recognized and implemented. He also said that minorities needed to experience an emancipation in terms of their own self-esteem.

29. The representative of Brazil said that the non-recognition of racism was a huge obstacle because without a recognition of the reality of racism and the problems and suffering that it caused, it was impossible to adopt policies and programmes to overcome it. He added that a deepening of democracy and public debate had allowed for a more open discussion of racism in Brazil. Ms. Edna Maria Santos Roland, expert from Brazil, agreed that there had been a change in public discussion in Brazil and a recognition that the Afro-Brazilian community faced significant racial discrimination.

30. The representative of the World Bank remarked that for economic development to be sustainable, it had also to be culturally sustainable. Investment projects should take into account the land rights of indigenous peoples, and in particular lands considered sacred lands. He added that it would be useful to have a social evaluation impact statement when projects were undertaken.

31. The representative of the Organization of Africans in the Americas remarked that a big problem was lack of access to economic resources, including resources necessary for access to health care, education and cultural activities. He argued that these activities were expensive and beyond the financial possibilities of many Afro-Latin Americans, while they should be available by right.

32. The representative of Costa Rica said that laws that prohibited racial discrimination were not enough. States should create mechanisms to facilitate the exercise of rights; take action to prevent manifestations of racism in daily life; and review laws which appeared fair and non-discriminatory, but which in practice had a racially discriminatory impact.

33 The representative of the International Indian Treaty Council said that the denial of the rights of indigenous peoples constituted racism, and that the word "peoples" should be used when describing the indigenous. He added that indigenous peoples should be in a position to dispose freely of their natural wealth, in particular their land, and that the denial or impairment of this right was racism.

IV. TOPIC III. MIGRANTS: ECONOMIC FACTORS, EMPLOYMENT, STATUS AS NON-CITIZENS AND THE RISE OF XENOPHOBIA AND DISCRIMINATION

34. To introduce topic III, Ms. Gabriela Rodríguez Pizarro introduced her background paper of the same title (HR/SANT/SEM.5/2000/BP.6). She started by explaining that migration was not always voluntary, and that social inequality in particular could provoke migration. Migrants often migrated without adequate information, and did so both with and without the proper documents. She observed that migration could exact a high social cost, in terms of the disintegration of families. Migrants, once they arrived in a new country, frequently experienced negative reactions, including xenophobia and racism. She was of the view that migratory flows were a fact of life and that more should be done by States to accept this situation. She suggested that information campaigns could be facilitated in both the sending and receiving States so that migrants would not leave their State of origin without adequate information and would receive necessary information from the receiving State. She recommended that States should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She also suggested human rights training for border officials, and police and prison officials; the observance of the duty to inform the relevant consulate when a migrant had been arrested; and a more vigorous effort to combat trafficking in human beings, particularly women and children.

V. TOPIC IV. DISPLACED PERSONS, REFUGEES AND ASYLUM-SEEKERS: NATIONAL PRACTICES AND POLICIES, RACIAL DISCRIMINATION IN THE HOST COUNTRY (topics III and IV were discussed together)

35. Topic IV was introduced by Mr. Alejandro Valencia Villa, who presented a paper of the same title (HR/SANT/SEM.5/2000/BP.5). He started his presentation by stating that refugees were often treated with suspicion and that there appeared to be a general view that refugees were potentially the source of political problems. Women and children, who constituted the majority of refugees, tended to suffer the most. He noted that there was widespread recognition of the principles of refugee law in formal terms. However, while some States in the region had ratified

the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, they had not all adopted enabling legislation. Other States had ratified the international instruments and adopted enabling legislation, but had not implemented their laws in practice. On a practical level, he observed that voluntary repatriation of refugees had worked well in some States in the region, but that third-country resettlement had not been particularly successful.

36. Turning to the subject of internally displaced persons (IDPs) in the Latin American region, he indicated that IDP flows were the result of political violence in only two areas: Colombia and Chiapas, Mexico. In other States in the region, the reason for the internal movement of persons was structural factors in the economy. He noted that international protection had traditionally been oriented towards protecting asylum-seekers and refugees, not IDPs. However, in the past several years, there had been movement towards more protection for IDPs, including the Guiding Principles on Internal Displacement.

37. The representative of the Canadian Race Relations Foundation said that the media displayed subtle forms of racial discrimination by demonizing migrants, refugees and asylum-seekers, frequently depicting them as criminals. This created a degree of paranoia on the part of the public which fed into political action by States. NGOs needed to be strengthened in order to monitor the media and government action and ensure their accountability.

38. The representative of Costa Rica said that it was important for sending States to provide protection to their own nationals so they would not feel that they were obliged to migrate, and that it was equally important for receiving States to recognize the contribution of migrants.

39. The representative of Mexico said that it was important to make a distinction between documented and undocumented migrants. The latter were also entitled to protection. When a migrant was arrested it was important for the receiving State to respect its international obligation to contact the consulate of the sending State.

40. A representative of the Baha'i International Community welcomed the fact that Brazil had changed its policy to allow more refugees, and added that in general States should take more action to facilitate the acceptance of refugees and migrants.

41. Mr. López, an expert, commented that when addressing the issue of IDPs, he frequently had the impression that the voices of the IDPs themselves were not heard. He said that food and tents would not always solve the problems IDPs faced. He suggested that more training of State officials was needed with regard to the texts and application of international human rights instruments.

42. Mr. Ibsen Hernández Valencia, an expert, said that the Inter-American Development Bank and the World Bank could not have effective inputs into their studies and projects if they did not include more direct and practical inputs from Afro-Latin Americans themselves.

VI. TOPIC V. THE SITUATION OF AFRICAN-AMERICANS: MARGINALIZATION ON THE BASIS OF RACE AND POVERTY; ATTITUDES TOWARDS CULTURAL IDENTITY

43. Ms. Edna María Santos Roland introduced topic V and her paper of the same title (HR/SANT/SEM.5/2000/BP.7). She started her presentation by making reference to the definition of racial discrimination as set out in the International Convention on the Elimination of All Forms of Racial Discrimination. She also said that she liked the Convention's terminology concerning special measures to promote equality. In her view, poverty was a result of racism and racism was used as a means to justify the expropriation of wealth from some for the benefit of others. Although she acknowledged that there was a debate as to whether poverty was the cause or result of racism, it was clear the two were closely inter-linked. Denying the existence of racism was a pretext for hiding its existence. In this regard, she recommended that censuses undertaken by States should include a classification by race or ethnic origin so that basic information could be gathered on the Afro-Latin American population. She also noted that returns on investments in education had been shown to be slower than for investments in health; she therefore suggested that States target health as a priority area to enhance the quality of life. Nevertheless, States should also invest more in education and support entrepreneurship by Afro-Latin Americans. She singled out the situation of domestic workers, many of whom were Afro-Latin Americans, and called for better guarantees of their rights. She added that the differentiation between citizens and non-citizens should not be used as a pretext for racial discrimination.

44. Mr. Hernández, an expert, recommended: (a) that the history of Afro-Latin Americans and their contributions should be better incorporated in history texts of the region; (b) that States should adopt enabling laws to implement the rights of Afro-Latin Americans; (c) that in policy formulation for economic development States should ensure that such policies were culturally appropriate and were formulated with the input of Afro-Latin Americans; (d) that States should gather information on the Afro-Latin communities during census-taking; (e) that more investment should be made which would directly benefit Afro-Latin communities and that Afro-Latin Americans should be involved and participate in such projects; and (f) that States should support the participation of Afro-Latin Americans in the political process, including at the local level.

45. The representative of the Organization of Africans in the Americas complained that the World Bank and the Inter-American Development Bank did not sufficiently take into account the needs of Afro-Latin Americans. She also said that globalization was in many respects another form of colonialism and that the privatization process in her country had benefited the local elite, and that Afro-Latin Americans had been largely abandoned. The term "development" had to be re-evaluated if it left out Afro-Latin Americans.

46. Another representative of the Organization of Africans in the Americas said that in her country, women suffered triple discrimination because they were black, women and poor. She said society had created stereotypes that had destroyed the sense of self-esteem of many Afro-Latin Americans.

47. The representative of UNESCO said that education needed to be targeted at indigenous peoples and Afro-Latin Americans, and that the organization's programmes were aimed at reducing illiteracy in the region.

48. The representative of the Council of Black Communities of São Paulo, Brazil, pointed out that Blacks were 50 per cent of the population of Brazil. He recommended that development banks should devote a certain percentage of their activities to small and medium-sized enterprises of black entrepreneurs. He also suggested that steps should be taken to facilitate the election of Blacks to parliament. He noted that at present a large amount of money was needed to run for office, and that for the process to be truly democratic this needed to be changed.

49. Mr. Rodríguez, an expert, commented that racial discrimination was a social phenomenon, independent of poverty. He noted that it would be necessary to focus on changing social attitudes in order to combat racism effectively.

50. The representative of the World Bank welcomed the debate on the situation of Afro-Latin communities in the region. He pointed out that the World Bank was a bank of States and that in its lending activities it could only act with the agreement of the State concerned. He added that some States had not yet authorized projects for the benefit of indigenous peoples and minorities. On the other hand, other States had done so. He also noted that although the World Bank did not have the legal authority to make loans directly to NGOs, some States did allow NGOs to receive funds indirectly through loans made to the States concerned.

51. The representative of Brazil said that an inter-ministerial working group had made a number of recommendations to combat racism and improve the condition of Afro-Latin communities. These included: (a) improving the availability of data on Afro-Latin communities to increase institutional awareness throughout the State of their situation; (b) taking measures to combat racial discrimination in employment more actively; (c) focusing more actively on public health measures to assist Afro-Latin communities; and (d) overcoming racism that exists in public education, including by revising textbooks to eliminate racial stereotypes and giving more support to teachers.

52. Ms. Santos, an expert, expressed the view that while positive changes had taken place in Brazil, the Government had not been able to implement many of the recommendations of the inter-ministerial working group, and in particular changes that would have a real impact on the living conditions of Afro-Latinos. She also added that while legal changes had been adopted to allow the restoration of land to individuals who had been illegally deprived of it, to date only a small percentage of land had been restored and there were many bureaucratic obstacles. She also claimed that structural adjustment programmes had reduced the size of the State, and that this had had the effect of reducing the delivery of health and other public services which were much needed by Afro-Latin and minority communities in Brazil.

VII. TOPIC VI. THE SITUATION OF OTHER VULNERABLE GROUPS: VARIOUS MANIFESTATIONS OF RACIAL DISCRIMINATION IN PUBLIC AND PRIVATE LIFE (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

53. Mr. Manuel Rodriguez Cuadros introduced his paper entitled, "The situation of mestizos and other vulnerable groups: various manifestations of racial discrimination in public and private life (HR/SANT/SEM.5/2000/BP.8). Mr. Rodríguez described the social phenomena of mixed marriages in the region, including between persons of European descent, indigenous descent, African descent, and persons of mixed race. The children of mixed marriage were referred to generally as "mestizos", although within this broad category there were various combinations that had in turn been given more specific names. This had created an informal racial stratification in a number of States in the region.

54. He explained that historically there had been a perception that upward social mobility was possible by marrying someone with lighter skin, and a corresponding prejudice against marrying someone with darker skin. Although in many States upward social mobility had been defined on the basis of wealth, regardless of race, this remained limited, particularly in the private sphere where racial prejudice was still relatively common. This had resulted in a form of hidden racism, with most people, including intellectuals, reluctant to address the subject. He pointed out that there was a good deal of statistical evidence that showed that persons of European descent were generally in a better economic situation than persons of mixed race, persons of indigenous descent or persons of African descent.

55. Mr. Rodríguez also addressed the subject of anti-Semitism and indicated that although it was no longer a serious problem in most States in the region, anti-Semitism continued to be a problem in one form or another in some States. He noted that there had been a series of serious incidents in Argentina. He added that both the public and the Government of Argentina appeared to have recognized the problem, and the Government had taken several initiatives to strengthen legislation, penalizing racial discrimination and incitement to racial hatred.

56. The expert also addressed the issue of racial discrimination against Roma communities in the region. He said that there were Roma populations of varying sizes in many States throughout the region, and that they frequently experienced discrimination. He mentioned in particular problems relating to education and the lack of recognition and respect for their cultural identity.

57. Mr. Rodríguez also described problems of racial discrimination that had been experienced by migrants who had moved from one State to another within the region and had experienced racial discrimination on the basis of their national origin or ethnic characteristics. He said that migrants who were either of Afro-Latin, indigenous or mixed-race origin tended most frequently to be victims of racial discrimination.

VIII. TOPIC VII. STRENGTHENING HUMAN RIGHTS CAPACITIES FOR COMBATING RACISM AND INTOLERANCE, E.G. THE RULE OF LAW, EQUAL ACCESS TO AND TREATMENT BY ADMINISTRATIVE AND JUDICIAL INSTITUTIONS, THE ROLE OF LAW ENFORCEMENT AND PRISON AUTHORITIES, HUMAN RIGHTS EDUCATION AND TRAINING, NATIONAL PROGRAMMES AND POLICIES TO ELIMINATE RACIAL DISCRIMINATION (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

58. Mr. José Bengoa introduced topic VII with a paper of the same title (HR/SANT/SEM.5/2000/BP.9). He said that efforts to strengthen human rights capacity to combat racism in the region had generally been weak. He said that most progress had been made in the areas of education, culture and information. In the field of education, he noted that there had been a number of efforts in the context of intercultural and bilingual education. He indicated that a number of States, including Argentina, Bolivia, Chile, Colombia, Ecuador, Guatemala, Mexico, Nicaragua, Peru and Venezuela, had undertaken efforts in that regard. These programmes, generally speaking, were designed to allow indigenous languages to be used in certain areas where indigenous communities were concentrated. In terms of cultural programmes, Mr. Bengoa indicated that the most important programmes undertaken by States in the region involved giving scholarships to indigenous persons so that they could have better access to education. Other measures had been taken such as the adoption of legislation in Bolivia, Chile and Peru to facilitate the creation of radio programmes and the establishment of radio stations for broadcasting in indigenous languages. There had been an increase generally in many States in radio stations broadcasting mainly in indigenous languages, for example in Bolivia, Chile, Ecuador, Nicaragua and Peru.

IX. TOPIC VIII: EFFECTIVE REMEDIES AGAINST RACIAL DISCRIMINATION IN THE REGION: PERSPECTIVES ON MORE EFFECTIVE REMEDIES AND REFORMS (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

59. Mr. Kenneth Osborne Rattray introduced topic VIII with a paper of the same title (HR/SANT/SEM.5/2000/BP.10). He started his presentation by stating that racism was repugnant to humanity and citing article 1 of the Universal Declaration of Human Rights which states, inter alia, that "All human beings are born free and equal in dignity and rights". He noted that the end of apartheid had not led to the end of racial discrimination, racist practices and xenophobia in the world, and that in the developing world in particular there were alarming manifestations of racism. Mr. Rattray noted that in his own country, Jamaica, which was 90 per cent black, racism continued to be a problem, based on gradations in skin colour. Racism had the potential to unleash high emotions and anger, and even to threaten peace.

60. Mr. Rattray noted that political parties that advocated racial exclusion had been gaining ground in a number of States. He also noted that in addition to discrimination against racial and ethnic minorities, anti-Semitism and discrimination against migrants, indigenous persons and the Roma were on the rise. He observed that minorities in the region were disproportionately subject to arrest and imprisonment. He was also of the view that the media continued to promote negative stereotypes.

61. Mr. Rattray suggested that the media should take appropriate measures, possibly through codes of conduct, to eliminate negative racial stereotypes. He also stressed the importance of education to combat prejudice. He advocated increased participation by minorities in the political structures and public administration. Incitement to racial hatred on the Internet should be criminalized and punished on a universal basis. He recommended that States give more attention to the implementation of economic, social and cultural rights, emphasizing that these were indivisible from political and civil rights. A focus on economic, social and cultural rights would assist in combating de facto racial discrimination. He also noted that women who were also minorities faced double discrimination and suggested that measures adopted to combat racism should take into account that minority women were particularly exposed. There was a need to recognize that racism and religious ideologies were often intertwined and measures taken to combat racial discrimination should take this into account. He suggested that there was a need to emphasize the cultural heritage of racial communities without discrimination so that such communities, particularly indigenous communities, could exercise their right to practise and revitalize their cultural traditions and languages. He underlined that a large part of the legacy of racism could be identified with the slave trade and colonialism. In this regard, it was important that there be a recognition of the injustices of the past and an apology for such action, as well as compensation for historical injustices.

X. TOPIC IX. ACTION BY GOVERNMENTS AND NATIONAL HUMAN RIGHTS INSTITUTIONS: BEST PRACTICES (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

62. Mr. Roberto Cuéllar Martínez introduced topic IX with a paper of the same title (HR/SANT/SEM.5/2000/BP.12). He started his presentation by emphasizing the importance of proactive measures to combat racial discrimination. It was desirable for States to develop a set of indicators that could provide a means of objectively examining the extent to which public policies were effective in combating racial discrimination. Such indicators would be useful because racial discrimination in the region was expressed more in everyday practices than in legislation or public policies, which made it difficult to measure and easy to deny. He indicated that there was a clear need to measure the extent to which public policies recognized diversity and respected differences.

63. Mr. Cuéllar also focused on measures that he felt should be the subject of special attention. Specifically, he suggested human rights education with a focus on promoting tolerance; reform of the system of administration of justice to ensure access to justice for all; and the promotion of intercultural democracy that would facilitate participation by ethnic and racial minorities in the political process. He was of the view that education would be a particularly useful area of intervention and could be used effectively to combat racial stereotypes.

XI. TOPIC X. ACTION BY NGOS AND CIVIL SOCIETY: PERSPECTIVE AND BEST PRACTICES (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

64. Mr. Atencio López Martínez introduced topic X with a paper of the same title (HR/SANT/SEM.5/2000/BP.11). He started his presentation by reviewing some of the obstacles that NGOs faced. He said that NGOs frequently did not have the ability to express their

demands adequately and in the appropriate forums. Sometimes they were not treated with respect and their representatives had been insulted or treated as inferiors. Sometimes NGOs were even harassed and not given adequate legal protection. Frequently NGOs had to resort to international forums because of the ineffectiveness of action at the national level. He concluded that friction had developed between certain States and NGOs because of a trend by some donors to give money directly to NGOs, bypassing States. He was of the view, however, that direct contact between local NGOs and donors was beneficial in terms of concrete results.

65. Mr. López stated that one of the most important tools available to civil society and NGOs was education at all levels, and that human rights education would guarantee a future without racism, racial discrimination, xenophobia and related intolerance. It was important that the teaching and promotion of human rights should be supported by modern technology, including the Internet, to provide up-to-date information and exchanges.

66. Indigenous groups had suffered the most from explicit forms of racial discrimination, including denial of access to public office or access to education. When education was available, frequently it was not in an indigenous language and might involve studying a history that was not their own. In the worst cases, indigenous persons had been subjected to physical violence. He argued that if States would provide a broader framework for promoting NGOs that represented groups that suffered from racial discrimination, it would help eliminate the exclusionary bias against certain racial and ethnic groups and enhance the State's effectiveness in combating racism. He added that alleviating poverty was an important factor in overcoming racism, and that some States could not effectively fight poverty and help indigenous groups, Afro-Latin communities and other racial and ethnic minorities without assistance from NGOs.

67. Although quite limited in time, a short discussion of topics VI to X ensued. The representative of the Commission on International Affairs of the World Council of Churches highlighted the relationship between poverty and racism, arguing that the inequality of wealth in the region was unfair and racist. She also noted that a significant number of people in the region, be they migrants, refugees or IDPs, were obliged to leave their homes and migrate elsewhere. She argued that better protection of these persons was essential.

68. The representative of the Inter-American Development Bank stressed the need for census and household surveys to identify racial and ethnic groups. She said that the bank was financing projects with this objective.

69. The representative of Oxfam stated that racism and xenophobia could not be eliminated in isolation. She stressed that racism had an ideological base and that eliminating it was a political struggle that should be joined by political parties, NGOs and the State.

70. The representative of Argentina stated that her Government was fully committed to fighting anti-Semitism and was profoundly concerned about the bomb attacks that had occurred in her country. The Government was of the view that education was an effective tool to combat racism and had implemented concrete measures to this effect.

71. Mr. Hernández, an expert, said that it was important that States in the region report periodically on the situation of racial and ethnic groups, so that there could be a dialogue with NGOs and civil society. He also said that African and Afro-Latin American history should be included in textbooks and taught in schools.

72. Mr. Rodríguez, an expert, expressed the view that anti-discrimination laws should penalize racist advertising. He also expressed the view that compensation should be paid for acts of racial discrimination. He added that it was important for States to apologize to groups that had been subject to racial discrimination in the past, including Afro-Latin Americans, indigenous peoples, Jewish communities and the Roma.

XII. CLOSURE OF THE EXPERT SEMINAR

73. The Chairperson circulated draft conclusions and recommendations to the participants in the seminar. After a discussion of the text, the experts agreed to adopt in principle the conclusions and recommendations, and that the Chairperson would take into account the comments made when he finalized the text.

74. The Deputy High Commissioner for Human Rights made a brief statement. He said that he had heard the message of the relative "invisibility" of racial and ethnic minorities in the region. He had heard the view expressed that there was a tendency in certain States to deny the existence of racial discrimination as a way of maintaining the status quo, and as a rationale for not addressing social and economic problems that racial and ethnic minorities experienced. He also had noted the position that lack of access to wealth by Afro-Latin Americans, indigenous peoples and other racial and ethnic minorities was intertwined with the issue of racial discrimination. The Deputy High Commissioner indicated that he was somewhat fearful that some States had possibly lost touch with their people who were frequently disadvantaged by racism. He proposed a universal culture of human rights in each State as a strategic concept that might help overcome the problems posed by racism, racial discrimination, xenophobia and related intolerance. He thanked the Chairperson, the experts and all the other persons who had taken part in the seminar, and closed the meeting.

XIII. CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT SEMINAR

75. The conclusions and recommendations adopted by the expert seminar are reproduced below.

Conclusions

1. The seminar confirms the existence and persistence of racism and xenophobia as social attitudes, based on prejudices and stereotypes, within Latin American societies. Racial discrimination, xenophobia and intolerance are practised, to varying degrees and in varying forms, in Latin American and Caribbean societies. Discrimination on racial grounds is rooted in the history of Latin American societies and affects in particular indigenous peoples and Afro-Latin American groups, populations and peoples. The seminar notes that the victims of racial discrimination, xenophobia and intolerance also include mestizos of indigenous or African

descent, along with certain minorities such as the Jewish and Roma communities. Migrant workers with certain ethnic characteristics or of a particular national origin are also victims of xenophobia and racial prejudice, like other displaced populations.

2. The seminar considers discrimination on grounds of race a most deplorable and shameful phenomenon, a blot on society that must be totally eradicated from the social, political, economic and social life of our continent.

3. In many Latin American and Caribbean societies and States there is no explicit recognition of the problems of racial discrimination, with many defending the old thesis, refuted by history, that denies the existence of such phenomena. In many Latin American societies it is claimed that the phenomenon does not exist. The seminar considers silence on the question of racial discrimination to be a very generalized phenomenon that adversely affects or directly prevents the formulation of public policies and social criticism in order to overcome it. The World Conference will offer an opportunity for putting this often hushed-up issue of racism, racial discrimination and xenophobia on the floor for debate and into the plans of action. The seminar considers that in every region of the world and in every Latin American country or society the forms taken by racism are different and must be carefully explored.

4. The seminar also concludes that the denial of discrimination and racism continues to be the main attitude to fight against at both the State and the sociocultural level. In some countries there is a tendency to minimize or refuse to recognize the issues of racial discrimination, xenophobia and intolerance. This contributes directly or indirectly to the perpetuation of such practices.

5. The seminar also confirms the persistence of discriminatory behaviours, cultural patterns and social practices based on racism and xenophobia. The resurgence of doctrines and political movements that incite racial hatred and xenophobia, particularly in industrialized countries, is a dangerous trend that may lead to the emergence or development of similar ideas or movements in Latin American and Caribbean societies. The seminar calls for the creation of early warning systems to prevent these practices, which unfortunately are reappearing worldwide. It calls upon States to adopt the necessary legislation to prevent new forms of racism and xenophobia and urges them to develop plans and programmes to eradicate the historic forms in evidence in our countries.

6. The seminar has concluded that racist practices are deeply rooted in the history of our societies. The roots of racism are to be found in colonialism and its prejudices, which to this day have not been overcome, especially towards indigenous peoples, and in the processes that led to the establishment of slavery in the Americas and still persist in the culture, with systems that were built up throughout history and that strongly affect current social conditions. The seminar calls on States to formulate educational and cultural programmes that will bring a critical analysis to bear on American history, identify the sources of racism and enable new generations to learn in an atmosphere of greater tolerance and better relations between human beings.

7. The seminar indicates that the main groups affected by racial and ethnic discrimination are communities of African origin and indigenous peoples, together with the individuals belonging to them. Special mention should be made of groups of refugees, immigrants and

displaced people belonging to those categories. To racial and ethnic discrimination and xenophobia must be added, moreover, the discrimination particularly affecting women, children, teenagers, the elderly and the handicapped, who suffer the combined effects of several kinds of discrimination.

8. Indigenous peoples have been historically discriminated against in Latin America owing to the colonial heritage. Discrimination takes place at the individual and collective levels. At the individual level, indigenous persons are often seen as second-class citizens and are not respected in society. In many countries they constitute the poorest sectors of the population. At the collective level, indigenous peoples are discriminated against inasmuch as their rights, their lands and territories, their language and culture and their right to self-government are not recognized. The seminar indicates that the way to combat racism and ethnic discrimination is the full recognition and exercise of the rights of indigenous peoples. It therefore considers that the Regional Conference for the Americas and the World Conference will be auspicious occasions for States to commit themselves to ratifying the international conventions, in particular ILO Convention No. 169, to finalize and promulgate the Charter on the Rights of Indigenous Peoples of the Organization of American States, and to work actively together towards the finalization and approval of the Draft United Nations Declaration on the Rights of Indigenous Peoples that is being prepared by the Commission on Human Rights.

9. Historical and current processes of racial discrimination weigh heavily upon Afro-Latin American groups, populations and peoples in many Latin American societies. The covering-up of these processes must cease so as to make possible the organization of these populations' access to land in the case of rural peoples where necessary, and full exercise of their rights, both individual and collective. The World Conference will provide an appropriate forum for Latin American societies to take stock of the relations that exist with populations of Afro-American origin and for States to draw up legislation for protecting those populations from racial discrimination.

10. Racial discrimination and the various forms of xenophobia present in the region generally extend also to mestizo populations with marked indigenous or Afro-Latin American features. These sectors of the population are subjected to acts of non-institutionalized racial discrimination in various domains of public and private life. Though in many countries it affects the bulk of the population, discrimination against mestizos with marked indigenous or Afro-Latin American features is manifestly an invisible phenomenon at the level of State policies. It tends to go unacknowledged and consequently the victims cannot undertake the defence of their rights and dignity. This kind of racial discrimination constitutes a structural situation in most societies of the region. Mestizo migrants, as a general rule, also suffer from various forms of discrimination, exclusion or racial prejudice when they move to other countries in the same region.

11. The seminar draws attention to the plight of thousands of refugees migrating or displaced by violence, who are often discriminated against because of their racial, ethnic or national characteristics. This is a problem of the greatest importance in Latin America and the seminar concludes that it must be properly addressed by the World Conference.

12. The seminar recognizes the vulnerable situation in which migrants are placed in countries of transit and reception when faced with violent or non-violent manifestations and acts of racism

and xenophobia, and concludes that the World Conference must adopt effective and concrete measures to promote and protect the human rights of migrants, irrespective of their migratory situation.

13. There is a high degree of correlation between discrimination, inequality and inequity; this correlation indicates that discrimination and racism are at the same time a cause and an effect of conditions of poverty and vulnerability. The persistence and resurgence of discriminatory practices and racist and xenophobic attitudes are associated with the exclusion of broad sectors of society from access to material resources, to services and to participation. The seminar notes that in many countries the poorest sectors are those made up of indigenous peoples or populations of Afro-Latin American origin. An appeal is launched to States to take cognizance of this manifest form of discrimination and develop policies to overcome it.

14. The seminar concludes that the issues of racial discrimination and racism are matters that affect people in their daily life, in their subjectivity, and in their way of life, their thoughts, their dreams. The racial question has penetrated the deepest reaches of social life and, as a result, its importance is decisive. The World Conference offers an extremely important opportunity to tackle these questions and the debate should not be feared, but rather faced with the truth.

15. The seminar concludes that racial discrimination affects broad sectors of Latin Americans and Caribbeans in terms of their prospects for work, social advancement, family and personal development. Along with Afro-American and indigenous people, who are most affected, other groups suffering this social evil are mestizos with indigenous features or of African descent. Migrant populations are generally victims of structural discrimination in the form of exclusion of various kinds, including restrictions on entry to the labour market and on equal access to State institutions. Similarly, many also suffer from racial prejudice and discrimination in their private lives. The recommendations seek to eliminate this situation using different methods and paths. In the knowledge that this is a long-term process, there should be no holding back from campaigns and actions designed to achieve these objectives.

16. In their foreign policies and international reporting, the region's States advocate, albeit with varying degrees of commitment, legal and ethical values such as equality and non-discrimination, which are not compatible with racism and xenophobia. In this sense, they subscribe to customary positive international human rights legislation prohibiting any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Often constitutions affirm these principles with no examination of what is happening in real social life. The seminar concludes that it is necessary to look at judicial and constitutional forms and declarations, along with observing social practices that are often inconsistent with these.

17. The fight against discrimination, racism and xenophobia must include recognizing and promoting multiculturalism and multi-ethnicism. A negative and opposing attitude to racist practices should be accompanied by a positive look towards the building of multi-ethnic

societies, which value diversity and respect the dignity of individuals and peoples to the full. The search for more equitable democracies and social life requires affirming an outlook in which cultural and, of course, racial diversity is a shared value.

18. The seminar concludes that very important fields of action exist, in which racism and xenophobia operate and must be fought: in the first place, access to resources, especially land, for both indigenous and Afro-Latin American peoples, and other vulnerable groups suffering discrimination. Secondly, the seminar calls attention to the importance of education both for groups discriminated against and for the population in general. The recommendations clearly indicate the need to guarantee access to education for all and to reform school study programmes so as to teach new generations more democratic and tolerant practices, which treat diversity as an integral component of the capital and wealth of Latin America and the Caribbean. Thirdly, the seminar emphasizes health care, given that these groups in general suffer from a lower quality of life, from shorter life expectancy and from health problems in general. Fourthly, employment opportunities and access to work are often limited owing to racial discrimination or xenophobia and States are called upon to develop measures to eliminate these situations. Fifthly, action is called for to combat the increasingly frequent manifestations of racism and xenophobia against migrants in societies where they are present.

19. One extremely important aspect is access to justice and the administration of justice for and in relation to the aforementioned groups subjected to discrimination. The seminar finds that in many countries indigenous peoples and Afro-Latin American groups have difficulty in obtaining access to justice, owing either to prejudice, to stereotypes, to language difficulties, to the remoteness of the courts or to other reasons. In the administration of justice we find that the number of detained persons belonging to these groups is disproportionate and often bears no relation to the percentage they represent among the total population. The same situation is found in the prisons, where there exists a very high degree of victimization and stigmatization of populations of African descent and of indigenous and other vulnerable groups mentioned here. The seminar appeals to States to take due note and undertake activities designed to put an end to this particular form of discrimination on grounds of race, ethnic group, culture and language.

20. The seminar deplores the scant respect accorded to the findings of the first two World Conferences to Combat Racism and Racial Discrimination, which recognized that indigenous peoples should have access to land and natural resources, taking into account above all the fundamental importance of their rights to land and natural resources, and to their traditions and aspirations. The seminar hopes that forthcoming conferences, and in particular the World Conference, will clearly spell out the rights of indigenous peoples, which is the only way of putting an end to discrimination against them.

21. The seminar clearly indicates that none of these policies will be successful unless it is applied with the full participation of the affected peoples. The principle of full participation must be established within the process of developing the World Conference and should become a key element in policies aiming at eradicating racial discrimination in all its forms.

22. Political participation is a decisive element within policies and measures to overcome discrimination and racism. Special mention is made of the participation and full recognition of

indigenous peoples and Afro-Latin Americans. The State must take measures to recognize their existence and establish regulations that allow them to participate as decision makers in their own development, in the control of their culture and in many other aspects central to the dignity and respect these peoples deserve.

23. The seminar concludes that throughout this process the Afro-American question has proved to be a factor and an emerging issue that must be considered during the World Conference. During the seminar, the voice of the Afro-American world has reported a long history of injustice, discrimination and shameful treatment. The World Conference should call on States to initiate a process of change in policies and conduct affecting these populations. States should carry out symbolic actions asking for pardon for the abuses committed, thus showing their societies that policies of this kind must not continue and that racial discrimination, racism and xenophobia must be totally eradicated.

24. To conclude, the expert seminar expresses its expectation that the forthcoming Regional Conference for the Americas will accept these positions, develop them and transform them into action plans that will enable progress to be made in the elimination of all forms of racial discrimination from the continent.

Recommendations

General

1. The World Conference should urge Member States to recognize, publicly and systematically, that racism is a serious and deeply rooted problem which must be fought. Empowerment of groups facing racial discrimination can be increased by more effective implementation of economic, social and cultural rights, along with better access to justice. This recognition is essential for identifying problems and developing public policies to fight racism and racial discrimination.

2. The World Conference should recommend to States to recognize the importance of the cultural heritage of marginalized racial and ethnic communities and promote respect for that heritage. States should also encourage cross-cultural dialogue in order to generate more international understanding through recognition of the great achievements of indigenous and African civilizations as part of the common heritage of humanity.

3. The World Conference should encourage all States, intergovernmental organizations, regional organizations and civil society organizations to participate in promoting multicultural, multiracial and multi-ethnic aspects of society.

4. It is indispensable that States and societies as a whole recognize the existence of various non-institutionalized forms of racial discrimination directed against mestizos of markedly indigenous or Afro-Latin American descent. Such recognition constitutes the starting point for the furtherance of policies and actions to combat racism and discrimination.

5. States must promote and generalize respect for human rights, and in particular for rules regarding measures for combating racism, racial discrimination, xenophobia and related forms of intolerance, and for rules designed for the protection of marginalized racial and ethnic groups.

6. The expert seminar recommends that the Plan of Action of the World Conference and the Plan of Action of the Regional Conference for the Americas should contain practical strategies and plans of action, at the international, regional and national levels, designed to combat racism and racial discrimination and include specific, measurable goals, reference points and indicators for measuring progress, timetables for attaining objectives, and resources and mechanisms for monitoring implementation and the fulfilment of the commitments undertaken.

7. The World Conference is requested to urge Governments to institute routine monitoring of the situation of marginalized racial and ethnic groups, through periodic sampling and compilation of statistical information disaggregated by race or ethnic group, particularly with regard to such fundamental economic and social indicators as infant mortality rate, life expectancy, literacy rate, level of education, access to employment, housing and health services, and average disposable income. Special attention should be paid to the importance of research into the impact of racial discrimination on the enjoyment of those rights, and to the publication of the conclusions.

8. The World Conference should urge all Governments to establish, where none exist, and strengthen where they do exist, human rights bodies (public defenders, human rights attorneys, ombudsmen, etc.). These bodies should have the following characteristics:

(a) They must conform to the principles relating to the status of national human rights institutions for the promotion and protection of human rights ("Paris Principles");

(b) They must have a unit specialized in racial discrimination;

(c) They must have a broad mandate in terms of both issues and authority;

(d) They must be visible and accessible to the population;

(e) They must be able to initiate investigations, issue recommendations and institute legal proceedings in cases of racial discrimination;

(f) Their personnel must be representative of the population they serve.

9. It is recommended that Governments set up interdisciplinary groups composed of members of the Government and of civil society for the purpose of preventing the emergence and/or continuation of serious racial and/or ethnic conflicts detrimental to peace and to the harmonious coexistence of groups and individuals in the countries where the conflict breaks out.

10. The World Conference should urge States, intergovernmental bodies and international financial institutions to set up funds for assistance to those who have undergone the severe consequences of racism, racial discrimination, xenophobia and related forms of intolerance.

11. The seminar encourages the courts to ensure that their composition reflects the diversity of the population and, in particular, the racial and ethnic groups subject to discrimination.

12. The seminar appeals to States to address the problem of discriminatory application of the law to the disadvantage of indigenous peoples, peoples of African descent, mestizos, migrants and displaced persons. Special attention should be accorded to racism in the administration of justice, among law enforcement officials, and in criminal justice systems.

13. The seminar lays special stress on the importance of investment in women's education, which it considers to be one of the most cost-effective investments in development. Indigenous women, along with Afro-Latin American women, have very low levels of literacy and education. The seminar emphasizes that it is essential to invest in indigenous and Afro-Latin American women. Governments and international organizations must give special importance to promoting the well-being of indigenous and Afro-Latin American women, and also to he expansion of their economic and social opportunities.

14. The World Conference should motivate States to:

(a) Adopt and apply legal measures regarding ownership of land by indigenous and Afro-Latin American peoples, including the cultural aspects of the forms of appropriation and the religious factors involved;

(b) See to it that wherever there exist investment projects for the exploitation of raw materials, mining or petroleum extraction in territory belonging to indigenous or Afro-Latin American peoples, those projects are reported to and discussed with the peoples concerned, who must have the chance to benefit from them;

(c) To conduct social impact evaluations of all projects or activities affecting indigenous or Afro-Latin American peoples, in order to safeguard their cultural and human aspects.

15. The World Conference should recommend to the United Nations system the creation of a special mechanism to coordinate all the Organization's activities in regard to the fight against racism (including field operations) and to see to the putting into effect of the Declaration and Plan of Action arising from the World Conference.

16. Similarly, the World Conference is requested to call upon the United Nations system to establish, with the technical assistance of the Office of the United Nations High Commissioner for Human Rights, an inter-American operational unit to concentrate on the fight against racism.

17. The Office of the High Commissioner for Human Rights and ILO should, within the scope of their activities and projects, cooperate to promote the elimination of racial discrimination in the economic and social spheres, particularly in employment.

18. It is recommended that banking institutions establish investment and loan programmes directed towards the development of Afro-Latin American and indigenous communities. The development policies promoted at the international, regional and national levels should provide for a percentage quota of programmes to be channelled to those communities.

Legal rules and their application

19. The World Conference should urge Governments that have not yet done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination and to declare, in line with the provisions of article 14 of the Convention, that they recognize the competence of the Committee on the Elimination of Racial Discrimination to consider communications from individuals or groups claiming to be victims of violations of the Convention.

20. States in the region that are not parties to the International Convention on the Elimination of All Forms of Racial Discrimination should expedite the process for its ratification, or accede to it before the holding of the World Conference.

21. The World Conference should call upon States to enforce respect for and guarantee the rights set forth in the six main international treaties and regional instruments on human rights, including ILO Conventions Nos. 169 and 111, and to fulfil their obligation to report regularly to the treaty supervisory bodies, with special reference to the principle of non-discrimination contained in each of these treaties.

22. The seminar urges the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, approved under United Nations auspices on 18 December 1990.

23. The World Conference should encourage Governments to strive to ensure the regular and effective application of existing legal provisions in the area of discrimination and to amend all provisions that still contain elements of racial discrimination. In particular, Governments are encouraged to adopt measures to guarantee that all sectors of society, particularly marginalized ethnic groups, enjoy equal access to education, and that this includes multicultural and intercultural aspects and materials on the cultures and history of all social groups and on human rights; and that provision be made for the training of officials (including police officers, attorneys, judges and teachers) on the international regulations prohibiting racial discrimination and their applicability domestically.

24. The seminar affirms that the establishment of more effective measures against racial discrimination should include the following:

(a) Recognition of the need for a package of preventive and deterrent measures; the cultural change to be achieved through educational programmes must be in the forefront of preventive measures, but deterrent measures are equally essential, for example:

(i) Adoption of a law against racial discrimination and its incorporation into national legislation; such a law could be modelled on United Nations publication HR/PUB/96/2;

(ii) Extension of legislative measures prohibiting racial discrimination in all areas of the public and private sectors, including employment, training, education, housing, provision of goods and services, immigration policy, the administration of justice, and law and order;

(iii) Enactment of legislation providing for adequate civil compensation of victims of racial discrimination;

(b) Provision should be made for rehabilitation of the perpetrators and victims of racism by means of truth commissions, apologies, and the establishment of victims' compensation and reparation funds, as appropriate.

25. States are urged, with regard to the procedural remedies provided for in their domestic law, to bear in mind the following considerations:

(a) Access to such remedies should be as wide as possible;

(b) The existing procedural remedies must be made known in the context of the relevant action, and victims of racial discrimination should be helped to avail themselves of them according to the case;

(c) Complaints of racial discrimination must be settled as rapidly as possible, a reasonable time limit being set for the relevant inquiries;

(d) Indigent persons who are victims of racial discrimination should receive free legal assistance and aid in the complaint proceedings and, where necessary, provided with the help of an interpreter in civil and criminal cases;

(e) States should be urged to create national bodies competent to investigate allegations of racial discrimination;

(f) Steps should be taken towards the enactment of legislation to penalize discriminatory practices on grounds of race or ethnic origin and provide for adequate compensation of the victims;

(g) Access to legal remedies should be facilitated for victims of discrimination and their legal capacity recognized by means of legislative reforms to enable non-governmental institutions or organizations to intervene legally on their behalf and through the preparation of programmes to enable the most vulnerable groups to have access to the legal system.

26. Law enforcement officers must be aware that racial discrimination is against the law and that it is their duty to ensure that that prohibition is respected. Governments are also encouraged to adopt positive measures to guarantee that public officials (including police officers) who

commit racist acts, in particular abuses motivated by racial hatred, do not enjoy immunity and are brought to trial according to international standards; and that financial resources and personnel are allocated to ensure that the above is carried out.

27. States must pay special attention to the definition of racial discrimination that appears in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, according to which the term "racial discrimination" means "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". It is important that nationwide campaigns should be carried out to make this definition better known among State bodies, including the judicature and the police forces, and among civil society organizations, including associations that work with vulnerable groups, particularly indigenous and Afro-Latin American populations.

Education and information

28. States are urged to make effective use of education, teaching and training to create an atmosphere conducive to the eradication of racism and racial discrimination. These tools should serve as means for exposing the myths and fallacies of the theories, philosophies, ideas and attitudes characteristically motivating discriminatory actions based on differences of race, colour, descent, and ethnic or national origin. States should strictly apply the principle of non-discrimination and equality in education set forth in many international human rights treaties, including the UNESCO Convention against Discrimination in Education.

29. The World Conference should encourage the education, training and development of indigenous and Afro-Latin American peoples so that they themselves can draw up proposals to ensure the progress of those populations towards full development on equal terms.

30. The World Conference is recommended to urge Governments, students and civil society to promote the teaching in the region's schools of values that treat religious, linguistic and racial differences as part of its wealth and its potential for regional integration.

31. The seminar requests States to accord particular attention to anti-discriminatory education of children with a view to developing future generations with more positive attitudes towards diversity. Study of the Universal Declaration of Human Rights should form part of the curriculum of basic school education.

32. The region's Governments are encouraged to include in their school curricula and in teacher-training programmes material on the history and achievements of peoples of African and indigenous descent. The specific goal of this educational reform should be to combat the stereotypes hostile to those groups prevailing among the general population.

33. States are recommended to train lawyers, public officials, magistrates, judges and prosecutors on the subject of anti-discriminatory legal measures.

34. The campaign against racial discrimination should include measures to ensure that messages transmitted by the mass media (television, radio, cinema, the print media, etc.), particularly where addressed to children and young people, do not directly or indirectly portray stereotypes or contain clichés or slogans likely to foster racial prejudice. On the contrary, the media should endeavour to familiarize people, in a universal perspective, with various aspects (philosophical, legal, literary or artistic) differentiating other civilizations from their own.

35. The seminar recommends to States a legislative review of the functioning of any mass communication media that promote racist and discriminatory stereotypes. Further, States should adopt a code of conduct for communication media.

36. Governments must watch out for the improper use of technology, especially the Internet, as a channel for racist discourse and for incitement to violence and crime motivated by racial hatred.

37. NGOs and artists, as independent communicators, should coordinate their efforts to reach the largest mass-media audiences and achieve greater effectiveness in the consolidation of multi-ethnic and multicultural democracy.

Participation

38. Governments, national institutions and non-governmental organizations must be aware that international law also recognizes measures providing for differentiated treatment, and in some cases obliges Governments to apply special measures for guaranteeing de facto as well as de jure equality, and to act accordingly with respect to such groups as have been subjected to systematic discrimination. The principal measures that Governments can adopt in this regard include assessment and intensification of the training provided for vulnerable groups and active recruitment of members of those groups to serve in the administration, including the police forces, the prosecution service and the judicature.

39. Members of the various vulnerable groups should be able to enjoy economic and social rights on an equal basis. In situations where members of a particular group are in a weaker position than those of another group, measures of affirmative action should be adopted on a transitional basis to redress the inequality. Specific policies to that end should be formulated in close cooperation with members of the affected groups, in particular Afro-Latin American and indigenous peoples.

40. Vulnerable groups should, on an equal basis, participate in, contribute to, and benefit from the right to development. Consequently, development policies should be conducted in ways that reduce the disparities that may exist between different groups. Groups receiving assistance should always be fully consulted with regard to development projects affecting the regions where they live.

41. Governments, the private sector and international financial institutions, particularly the World Bank and Inter-American Development Bank (IDB), are encouraged to promote the participation of indigenous and Afro-Latin American groups in the adoption and implementation of development projects.

42. The seminar recommends that the objectives of the Citizens' Conference of non-governmental organizations of the Americas should include the following:

(a) Actively involving citizens, racially and ethnically marginalized peoples and civil society organizations in the elimination of practices of racism, xenophobia, intolerance and discrimination in the region;

(b) Giving greater visibility to the various situations affecting the victims of racism, xenophobia, intolerance and discrimination in the region;

(c) Proposing strategies for effective and full equality, together with measures of prevention, redress or compensation for racism, racial discrimination, xenophobia and related forms of intolerance;

(d) Strengthening alliances and coalitions between NGOs and other civil society organizations in the region that are working to promote human rights;

(e) Carrying out citizens' follow-up of the World Conference and its preparatory meetings, and supervising the commitments entered into by Governments and States.

Indigenous peoples

43. The seminar recognizes the inherent dignity of indigenous peoples and their outstanding contribution to the development and plurality of society.

44. The seminar recommends that Governments intensify processes of constitutional reform relating to the protection of indigenous peoples' rights.

45. The seminar encourages States to consolidate the process of recognition of indigenous peoples' rights, particularly the adoption of the declarations of the United Nations and the Organization of American States on indigenous peoples.

46. States are encouraged to take measures for reforming the various institutions of the public administration so that, in their respective areas of competence, they collectively serve these peoples and their members.

47. The World Conference is requested to encourage States to:

(a) Assure full and free participation of indigenous peoples in all phases of the processes of decision-making on all aspects relating to society, particularly on subjects of concern to them. In particular, States should grant recognition to indigenous peoples' institutions for self-government and self-management, whose competencies should be respected;

(b) Respect the self-government of indigenous peoples as an instrument for combating racism, which in turn implies respect for and recognition of indigenous peoples' religion, intellectual property and collective rights;

(c) Recognize the right of indigenous peoples to the ownership, exploitation, control and utilization of their land and territories, including natural resources. In particular, States should complete the demarcation of indigenous lands and ensure their effective protection;

(d) Recognize the right of indigenous peoples to determine their own priorities for the development of their lands and obtain their free and informed consent before approving any projects affecting them. States should immediately halt projects on indigenous lands that threaten the lives and livelihoods of indigenous peoples;

(e) Ensure that indigenous peoples have access to all levels and forms of State education. In particular, States should provide financial support to help indigenous persons continue their studies and their post-school training, thereby contributing to equitable access to education for all groups in society. States should also support indigenous peoples seeking to establish their own educational institutions, so that they can transmit their languages, cultures and values to future generations;

(f) Ensure that indigenous peoples have access without discrimination to all health and medical care services. In particular, States should help indigenous peoples to maintain their traditional medicines and health practices where these are effective and culturally acceptable to the people concerned;

(g) Ensure that indigenous peoples are treated equally before the courts and other bodies administering justice, in particular by ensuring, where necessary, that indigenous peoples are provided with adequate translation services in legal cases. Stress is also laid on the transparency of judicial procedures and the independence of the judiciary;

(h) Provide support for the establishment of indigenous peoples' own legal and justice administration systems in accordance with international human rights standards;

(i) Provide adequate resources and support to the newly established Permanent Forum on Indigenous Issues. In particular, the Economic Commission for Latin America and the Caribbean is called upon to organize, in cooperation with Governments and competent regional bodies, with United Nations organizations and specialized agencies, and with financial institutions, a consultation with a view to developing a regional inter-agency initiative to eradicate poverty and disadvantage among indigenous peoples in the region;

(j) Reaffirm the commitment to adopting a declaration on the rights of indigenous peoples as quickly as possible. In particular, States in the region are encouraged to hold regional consultations with indigenous organizations and peoples to enhance understanding and build consensus.

48. The international community is urged to convene an international conference on indigenous peoples at the end of the International Decade of the World's Indigenous People (1995-2004).

49. Given the subordinate and at times almost clandestine conditions in which the right to use the mother tongue is exercised among marginalized indigenous populations, the creation of conditions of equality with the officially recognized national language demands considerable efforts to make possible the real development of those forbidden languages. Such actions are essentially bound up with education and social communication.

Afro-Latin Americans

50. All countries in the region should acknowledge the existence of the population of African descent and collect and analyse relevant information to determine their living conditions and the level of expropriation that they are subjected to. Information on race and ethnic group is best collected by using national censuses and national household surveys addressing issues such as employment, education, health, housing, sanitation and access to land, credit, etc. Advice from Afro-Latin American organizations should be sought for the suitable drafting of questions relating to the issue of ethnic origin.

51. It is imperative that the region's States invest heavily in education to break the vicious circle of inequality suffered by Afro-Latin Americans and reproduced by the educational system. Improving the public schools and raising the quality of teaching in the poor areas where the population of African descent live means dignifying the work of the teachers by offering them proper salaries, training and teaching materials, together with an adequate infrastructure. Discriminatory contents of school texts, daily practices and norms should be revised.

52. It is requested that Afro-Latin American people should be declared a priority vulnerable group for receiving development programmes, particularly those that deal with relieving, reducing or eradicating poverty, and environmental programmes.

53. Governments developing programmes and projects specifically for populations of African descent are requested to promote comprehensive development as a means of overcoming the consequences of racism, discrimination and racial inequality.

54. The World Conference should encourage the creation of a voluntary fund to provide support, facilities and space to enable the victims of racial discrimination to make themselves seen and heard in the national and international spheres, on the lines of the Permanent Forum on Indigenous Issues.

55. It is requested that States quickly recognize and regulate title to lands traditionally occupied and worked by Afro-Latin American communities, in accordance with ILO Convention No. 169. If necessary, national legislation guaranteeing the right to such lands will have to be developed.

56. Governments are asked to allocate part of their budgets for governmental publicity to publicizing and promoting action taken to fight racism and racial discrimination.

57. It is recommended that governments and international loan organizations invest a percentage of their external loans in effective actions to eradicate racism and discrimination.

58. It is essential to develop a programme of tax incentives for private firms that have policies and plans of affirmative action targeted at Afro-Latin Americans.

59. Governments in the region are urged to give particular priority to development strategies through the strengthening of small and medium-sized enterprises, including rural industry, in areas where the Afro-Latin American population is concentrated, in order to create jobs for those groups.

60. Affirmative action should be taken in both the public and the private sector. The public sector should especially analyse the factors that impede the progress of Afro-Latin Americans to senior posts and take suitable measures to remove those barriers. The private sector should analyse its personnel policies with regard to recruiting, salaries, promotions, etc., in order to promote workforce diversity at all levels of responsibility in the enterprise.

61. Legal protection for domestic workers is essential to guarantee their enjoyment of the most essential human rights. Special training programmes for Afro-Latin American youth targeting modern sectors of the market should be developed, offering them real alternatives of inclusion. Alternative economic activities such as handicrafts or other traditional activities should be supported.

62. Special attention should be paid to the multiple discrimination inflicted on Afro-Latin Americans on grounds of gender, sexual orientation, physical disability and health status. The combination of racial and gender discrimination results in increased vulnerability for women of African descent, many of whom are subjected to sexual exploitation and trafficking. Homosexual men and women are subject to harassment that often culminates in injury and death. The Seminar notes that in many countries of the region HIV/AIDS incidence is high among Afro-Latin American men and women and special attention should be given to confronting the added difficulties resulting from multiple discrimination. It should be pointed out that sexual freedom and reproductive rights are an integral part of human rights.

63. The World Conference should recommend to the World Bank, and the Regional Conference to the Inter-American Development Bank, the adoption of operational policies on Afro-Latin American peoples similar to the existing World Bank policy with regard to indigenous peoples. This policy should establish priorities and modalities of consultation and participation for Afro-Latin American peoples in determining policies, credits, plans, etc.

64. The World Conference should encourage States to:

(a) Incorporate practices that are culturally appropriate within the guidelines governing development programmes targeted at Afro-Latin American peoples. These practices must emphasize community participation, self-determination and self-sufficiency, honesty, transparency and a commitment to those who are poorest;

(b) Channel investment in social and economic development to areas with a high density of Afro-Latin American population. These investments must begin by strengthening the institutional and organizing skills of Afro-Latin American communities;

(c) Create incentives for involving a larger number of professionals of African descent in development programmes for Afro-Latin American communities;

(d) Encourage inter-agency coordination in the planning and implementation of programmes for Afro-Latin American communities and ensure that this coordination includes organizations concerned with these processes in their respective countries.

65. The seminar takes note of the fact that, to ensure that measures to protect Afro-Latin Americans are effective, the following criteria must be met:

(a) The profile of Afro-Latin American and Caribbean communities and their organizations must be raised;

(b) Equality and access to all responsible bodies and to economic, social, political and cultural resources must be ensured;

(c) Gender and ethno-racial perspectives must be included;

(d) Full participation and leadership by Afro-Latin American communities must be encouraged.

66. The seminar invites States to compile and regularly update official figures on the social and economic status of the Afro-Latin American and Caribbean populations. These figures will provide a framework for implementing affirmative action measures at the national and regional levels to prepare and rectify the race-based colonial structure on which the States of the region were founded.

67. The seminar recommends to the United Nations that it establish a committee on questions concerning peoples of African descent. This committee would receive requests from those peoples and recommend the appropriate body to help find solutions in accordance with international agreements. This would involve having a permanent round table for dialogue within the United Nations, thus guaranteeing that the committee would include members proposed by organizations representative of those peoples.

68. The seminar recommends to the United Nations system that experts of African descent should be included in human rights treaty bodies.

69. Governments are invited to incorporate the history and achievements of peoples of African descent in educational curricula and at every level of teacher training.

70. States are urged to promote constitutional reforms that will guarantee for Afro-Latin American peoples:

(a) Full enjoyment of economic, social and cultural rights;

(b) Civil and political rights on equal terms.

71. States are requested to ensure that, in the selection of personnel for governmental posts, professionals of African descent should be included in:

(a) Programmes and projects channelled to such peoples;

(b) Governmental decision-making bodies;

(c) The delegations of diplomatic missions.

Migrants

72. Governments should be urged to adopt and apply concrete measures for the effective protection of the rights of migrants confronted with acts or manifestations of racism or xenophobia.

73. The seminar requests States that are parties to international human rights instruments to submit, or include in their reports, information on legislative or administrative measures to protect the human rights of migrants in their territory or under their jurisdiction.

74. The seminar expresses support for Governments of receiving countries that take appropriate public information measures to promote understanding of differences from a constructive and non-exclusive viewpoint. This will mean conducting campaigns against xenophobia, racism and all forms of discrimination. The nationals of receiving countries should be sensitized to the situation of women and child migrants.

75. The seminar recommends that it should be considered essential to publicize in countries of origin, transit and destination the various regional and international conventions that have been signed and ratified by States regarding the protection and defence of the human rights of migrants, and all those instruments designed to combat racism, racial discrimination and xenophobia, together with the legal instruments for protecting those rights.

76. The seminar supports the development of forums for dialogue, reflection and consultation between Governments, civil society and the international community concerning migratory processes, human rights of migrants from a gender perspective, and situations of racism, racial discrimination and xenophobia that particularly affect this vulnerable group.

77. The seminar recommends carrying out an effort to train immigration officials, border police and staff of migrant detention centres in human rights, especially the human rights of migrants, in order to avoid situations where such prejudices lead to decisions and acts of racism, xenophobia and discrimination.

78. The seminar encourages measures to promote the ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, specifically among countries receiving migrants. The migrant population placed in vulnerable situations in receiving countries need their States of origin to ratify the Convention,

since its entry into force will make possible the effective protection of the human rights of migrants with or without valid papers, providing legal instruments for the development of domestic legislation and mutual agreements between States to prevent clandestine traffic in and movements of workers.

Refugees and displaced persons

79. The seminar demands from the region's Governments greater compliance with their international commitments regarding protection and promotion of the rights of refugees, asylum-seekers and displaced persons.

80. The seminar calls upon governmental authorities for effective application of national policies and regulations designed to protect refugees, asylum-seekers and displaced persons. To this end, Governments must draw up the relevant regulations and encourage participation in their framing and in the decision-making process of the persons affected or the organizations that represent them.

81. The seminar encourages the application, with no exceptions, of the fundamental principle of non-refoulement in order to provide protection to refugees.

82. The seminar encourages the design of protective structures and networks, with the complementary participation of State, governmental and non-governmental bodies in the areas of their competence and responsibility, to guarantee the effective exercise of the right to seek asylum.

83. The seminar supports frameworks of cooperation between UNHCR, the Inter-American Commission and the Inter-American Court of Human Rights for the benefit of refugees and displaced populations.

84. The seminar supports action to make the Guiding Principles on Internal Displacement more widely known and ensure their observance.

85. The seminar demands a continuation of efforts to accord particular attention to the problem of groups suffering from multiple discrimination, such as women, children, the elderly and handicapped people, and to adopt an approach based on equity and with a gender focus.

Appendix I

LIST OF PARTICIPANTS

Experts

Mr. José Bengoa, member, Sub-Commission on the Promotion and the Protection of Human Rights

Mr. Roberto Cuéllar Martínez, Executive Director of the Inter-American Institute of Human Rights

Ms. María Magdalena Gómez Rivera, General Director, Department for Equality and Social Development, Mexico Federal District, and former Director of the Office of the Ombudsman for Indigenous Populations

Mr. Ibsen Hernández Valencia, Organization of Africans in the Americas (NGO)

Mr. Martin Hopenhayn, Representative of the United Nations Economic Commission for Latin America and the Caribbean

Mr. Diego Alfonso Iturralde Guerrero, Chief of the Research Unit of the Inter-American Institute for Human Rights

Mr. Atencio López Martínez, Napguana Association (NGO)

Mr. Kenneth Osborne Rattray, member, Committee on Economic, Social and Cultural Rights

Mr. Manuel Rodríguez Cuadros, member, Sub-Commission on the Promotion and Protection of Human Rights

Ms. Gabriela Rodríguez Pizarro, Special Rapporteur of the Commission on Human Rights on the human rights of migrants

Ms. Edna María Santos Roland, Fala Preta - Organization of Black Women (NGO)

Mr. Alejandro Valencia Villa, People Research and Education Center (NGO)

Mr. Mario Jorge Yutzis, member, Committee on the Elimination of Racial Discrimination

Member States of the United Nations

Argentina, Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Italy, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Peru, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela

Intergovernmental organizations

Inter-American Development Bank, International Organization for Migration, Pan American Health Organization, World Bank, World Trade Organization

United Nations bodies and specialized agencies

Economic Commission for Latin America and the Caribbean (ECLAC), Food and Agricultural Organization of the United Nations (FAO), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Food Programme (WFP)

Non-governmental organizations

Agencia Latinoamericana de Informacion (ALAI), Aboriginal and Torres Strait Islander Commissioner (ATSIC), Aukin Wallmapu Ngulam – Consejo de Todas las Tierras Mapuche, Baha'i International Community, Brahma Kumaris World Spiritual University, Canadian Race Relations Foundation (CRRF). Commission on International Affairs of the World Council of Churches, Council of Black Communities of São Paulo, Brazil, Educational International, Escritório Nacional Zumbi do Palmares, Grand Council of the Crees – Cree Regional Authority (GCCEI-CRA), Indigenous World Association, International Federation of University Women (IFUW), International Human Rights Law Group, International Indian Treaty Council (IITC), Organizations of Africans in the Americas (OAA), Oxfam, Soroptimist International

Appendix II

AGENDA

1. Opening of the meeting.

2. Topic I. General trends, priorities and obstacles in combating racism and racial discrimination, xenophobia and related intolerance in Latin America and the Caribbean.

3. Topic II. Indigenous peoples:

   (a) The protection of civil and political rights: equal treatment and full participation in government, access to the courts, access to private establishments open to the public and full protection of the laws;

   (b) The protection of economic, social and cultural rights: access to education, housing, health care, employment; special problems of land rights, protection of cultural identity.

4. Topic III. Migrants: economic factors, employment, status as non-citizens and the rise of xenophobia and discrimination.

5. Topic IV. Displaced persons, refugees and asylum-seekers: national practices and policies, racial discrimination in the host country.

6. Topic V. The situation of African-Americans: marginalization on the basis of race and poverty; attitudes towards cultural identity.

7. Topic VI. The situation of other vulnerable groups: various manifestations of racial discrimination in public and private life.

8. Topic VII. Strengthening human rights capacities for combating racism and intolerance, e.g. the rule of law, equal access to and treatment by administrative and judicial institutions, the role of law enforcement and prison authorities, human rights education and training, national programmes and policies to eliminate racial discrimination.

9. Topic VIII. Effective remedies against racial discrimination in the region: perspectives on more effective remedies and reforms.

10. Topic IX. Action by Governments and national human rights institutions: best practices.

11. Topic X. Action by NGOs and civil society: perspective and best practices.

12. Conclusions and recommendations.

13. Closure of the expert seminar.

Appendix III

LIST OF DOCUMENTS

Provisional agenda

General trends, priorities and obstacles in combating racism, racial discrimination, xenophobia and related intolerance: background paper by Mr. Mario Jorge Yutzis (HR/SANT/SEM.5/2000/BP.2)

Ethnic and racial discrimination and xenophobia in Latin America and the Caribbean: background paper by Mr. Martin Hopenhayn (HR/SANT/SEM.5/2000/BP.2/2)

Indigenous populations and the protection of civil and political rights: equal treatment and full participation in the Government, access to the courts, access to private establishments open to the public and full legal protection: background paper by Ms. María Magdalena Gómez Rivera (HR/SANT/SEM.5/2000/BP.3)

Indigenous populations and the protection of economic, social and cultural rights: access to education, housing, health care, employment; the special problem of land rights, protection of cultural identity and traditions: background paper by Mr. Diego Alfonso Iturralde Guerrero (HR/SANT/SEM.5/2000/BP.4)

Displaced persons, refugees and asylum-seekers: national practices and policies, racial discrimination in the host country: background paper by Mr. Alejandro Valencia Villa (HR/SANT/SEM.5/2000/BP.5)

Migrants: economic factors, employment, status as non-citizens and the rise of xenophobia and discrimination: background paper by Ms. Gabriela Rodríguez Pizarro (HR/SANT/SEM.5/2000/BP.6)

The situation of African-Americans: marginalization on the basis of race and poverty, attitudes towards cultural identity: background paper by Ms. Edna María Santos Roland (HR/SANT/SEM.5/2000/BP.7)

The situation of mestizos and other vulnerable groups: various manifestations of racial discrimination in public and private life: background paper by Mr. Manuel Rodríguez Cuadros (HR/SANT/SEM.5/2000/BP.8)

Strengthening human rights capacities for combating racism and intolerance, e.g. the rule of law, equal access to and treatment by administrative and judicial institutions, the role of law enforcement and prison authorities, human rights education and training, national programmes and policies to eliminate racial discrimination: background paper by Mr. José Bengoa (HR/SANT/SEM.5/2000/BP.9)

Effective remedies against racial discrimination in the region: perspectives on more effective remedies and reforms: background paper by Mr. Kenneth Osborne Rattray (HR/SANT/SEM.5/2000/BP.10)

Action by NGOs and civil society: perspectives and best practices: background paper by Mr. Atencio López Martínez (HR/SANT/SEM.5/2000/BP.11)

Action by Governments and national human rights institutions: best practices: background paper by Mr. Roberto Cuéllar Martínez (HR/SANT/SEM.5/2000/BP.12)

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